



Practitioner's Docket No. AHS-15

AF/3762
61 \$
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dennis R. Trumble
Application No.: 09/982,666
Filed: October 18, 2001
For: MUSCLE ENERGY CONVERTER

Group No.: 3762
Examiner: Joseph S. Machuga

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 25, 2004, finally rejecting claims 2, 3, 9 and 13.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed on October 18, 2001.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

X with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date:

7/16/04

Signature

Tracey L. Milka

Tracey L. Milka

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

| | |
|--------------|----------|
| Small entity | \$165.00 |
|--------------|----------|

| | |
|--------------------------|----------|
| Notice of Appeal fee due | \$165.00 |
|--------------------------|----------|

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

| | |
|-----|----------|
| Fee | \$210.00 |
|-----|----------|

If an additional extension of time is required, please consider this a petition therefor.

An extension for two months has already been secured, and the fee paid therefor of \$210.00 is deducted from the total fee due for the total months of extension now requested.

| | |
|-------------------------------------|--------|
| Extension fee due with this request | \$0.00 |
|-------------------------------------|--------|

4. TOTAL FEE DUE

The total fee due is:

| | |
|----------------------|----------|
| Notice of Appeal fee | \$165.00 |
|----------------------|----------|

| | |
|---------------|--------|
| Extension fee | \$0.00 |
|---------------|--------|

| | |
|----------------------|-----------------|
| TOTAL FEE DUE | \$165.00 |
|----------------------|-----------------|

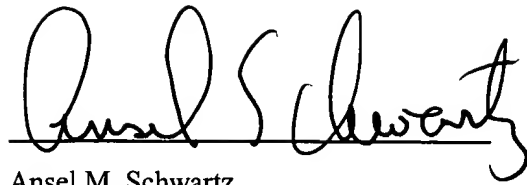
5. FEE PAYMENT

Attached is a check in the amount of \$165.00.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 19-0737.

A handwritten signature in black ink, appearing to read "Ansel M. Schwartz", written over a horizontal line.

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